



విజయనగరం జిల్లా రాజపత్రము

సా ధా రణ ము

అధికారమువలన ప్రచురించబడినది.

నెం. 4

విజయనగరం, 2010వ సంవత్సరము, జూలై నెల, 3వ తేది, శనివారము

విషయ సూచిక

కలెక్టరువారి ప్రకటనలు

19 - 22

కలెక్టరువారి ప్రకటనలు

Copy of :-

PROCEEDINGS

- Sub ÷ Caste Certificates - Vizianagaram District - Komarada Mandal - Dalaipeta Village - cancellation of fraudulent "Konda Dora" (ST) Certificate of Sri Dudi Janaki Rao, S/o Sellaayya - Orders - Issued.
- Ref ÷ 1 Report of the Tahsildar, Kurupam in Rc. No. 412/07, dated 20-9-2007.
- 2 This Of fice Rc. 812/07 C5, dated 30-1-2008.
- 3 Report of the Revenue Divisional Of ficer, Parvathipuram in Rc. 135/08 L, dated 8-4-2008.
- 4 Rc. No. 412/07A dated 20-8-2008 of the Tahsildar, Kurupam.
- 5 This Of fice (M) Rc. No. 812/07 C5, dated 31-7-2009, 21-8-2009 & 24-1-2009.
- 6 Finding of the Chaiman, District Level Scrutiny Committee dated 26-2-2010 and other members of the District Level Scrutiny Committee..
- 7 This Of fice (M) Rc. 812/07 C5, dated 26-3-2010.

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ORDER :-

The Director of Tribal Welfare, Andhra Pradesh, Hyderabad while forwarding the representation of the President, A.P.S.T. Employees Association, Parvathipuram Branch,

Vizianagaram District, has alleged that most of the employees presently working in various Government Department have secured jobs by producing false caste certificates and requested the Collector, Vizianagaram to enquire in to the matters relating to false caste certificate obtained by certain individuals and Sri Dudi Janaki Rao is one among them.

The matter has been referred to the Tahsildar, Kurupam for enquiry on the Konda Dora (ST), Social Status of Sri Dudi Janaki Rao.

The Tahsildar, Kurupam has submitted his report vide Rc. 412/2007, dated 20-9-2007 stating that Sri Dudi Janaki Rao is working as Hostel Welfare Officer, Boys Hostel, Therlam on the strength of "Konda Dora" (ST) caste certificate.

The Tahsildar, Kurupam has reported that Sri Dudi Janaki Rao does not belong to Konda Dora (ST) by birth. He was born on 6-6-1964 to the couple of Sri Dannana Satyanarayana and Smt. Gangamma of Sivvannapeta Village of Kurupam Mandal as second son who belong to Kapu (BC) by caste. He was adopted to the couple of Sri Dudi Sellayya and Smt. Gangamma of Dalaipeta Village of Komarada Mandal who belong to Konda Dora (ST) by caste in the year 1969 as per Grama Purni and the same was registered in the Sub-Registrar Office, Kurupam in the year 1981 i.e., after a lapse of 12 years from the date of adoption. After adoption to Sri Dudi Sellayya, the candidate i.e., Sri Janaki Rao has obtained Konda Dora (ST) caste certificate from the then Mandal Revenue Officer, Komarada vide SR. No. 5064/86, dated 26-9-1986 and was appointed as Teacher on the strength of the said ST certificate. Sri Dudi Janaki Rao in his statement deposed that the couple of Sri Dudi Sellayya and Gangamma of Dalaipeta Village of Komarada adopted him from his childhood and he also looked after the welfare of his adopted parents and now they were expired.

The Tahsildar, Kurupam further reported that Sri Dudi Janaki Rao was said to be adopted at the age of 5 years by Gram Purni and the said document was registered after a lapse of 12 years i.e. in 1981. This was done to get the Konda (ST) caste certificate and as well as to get the benefits of reserved categories intended to the Scheduled Tribes.

The Tahsildar, Kurupam also reported that he has conducted enquiry in the Village Dalaipeta of Komarada Mandal and during enquiry it is revealed that the individual said to have been adopted to Sri Dudi Ellayya and Gangamma, but he never resided in the house of Sri Sellayya nor observed the customs and traditions of Konda Dora tribes and further no relations with them. Sri Dudi Janaki Rao was also married with a women who belongs to Kapu (BC) by caste.

The Tahsildar, Kurupam finally opined that the Konda Dora (ST) obtained by the individual was false and fraudulent one and requested to cancel the caste certificate.

According to the Judgement of Hon'ble Supreme Court reported in 2003 that "the Scheduled Caste and Scheduled Tribe certificate is not a bounty to be distributed. To sustain the claim, one must show that he/she suffered disabilities - socially, economically and educationally cumulatively". A person not belonging to the Scheduled Caste or Scheduled Tribe claiming himself to be a member of such caste by procuring a bogus caste certificate is fraud under the Constitution of India.

Therefore, the "Konda Dora" (ST) caste certificate obtained by the individual from the then Mandal Revenue Officer, Komarada is fraudulent one, and deserved for cancellation of the same.

Basing on the report of the Tahsildar, Kurupam, the enquiry on the social status of Sri Dudi Janaki Rao was taken up by the District Level Scrutiny Committee on 3-3-2008 and during enquiry Sri Dudi Janaki Rao stated that the 2nd son of Sri Dannana Suryanarayana and Gangamma of Sivannapeta Village of Kurupam Mandal belonging to Gajula Kapu caste.

He further stated that his father inlaws resided in Dalaipeta Village. His natural father Sri Dannana Suryanarayana requested Sri Dudi Sellayya (ST) Konda Dora to take adoption of his second son and Sri Dudi Sellayya has taken him on adoption in the year 1969 in the presence of the Village elders; this is not reliable because the person who required adoption has to ask the parents to give their son for adoption, but in the present case it was not done so.

In continuation of the above statement further enquiry on the Konda Dora (ST) social status of Sri Dudi Janaki Rao was taken up and notices were issued to him on 20-7-2009, 21-8-2009 and

on 24-11-2009 and finally, Sri Dudi Janaki Rao attended District Level Scrutiny Committee on 18-12-2009.

During enquiry Sri Dudi Janaki Rao stated that he married Kapu community girl Gorle Parvathi in 1986 due to mutual love. After that they were blessed with 3 daughters. His eldest daughter studied B.Sc. and married Kapu community person. He state that both his 1st and 2nd daughter got Konda Dora (ST) certificates. He further stated that his 3rd daughter Kum. D. Praveena is now studying B. Tech. 1st year in Rajam Engineering College and he has not taken (ST) Konda Dora Certificate to his 3rd daughter as a case on his ST social status is pending before the Collector, Vizianagaram and hence the Revenue Divisional Officer, Parvathipuram has not given (ST) Konda Dora certificate to his 3rd daughter.

He stated that he got employment as Hostel Welfare Officer in 1991 under ST category and he is continuing in the post since then. He stated that he does not know whether his Natural Parents are dead or alive but his adopted father Sri Dudi Sellayya died 20 years back and he has performed rituals to his adopted father.

Further Sri Dudi Somanna Dora brother of Sellayya in his statement before the Tahsildar, Kurupam on 18-12-2007 stated that Sri Dudi Janaki Rao received education with the help of his natural parents i.e., Sri Dannana Suryanarayana but not through the maternal grand father i.e., Rajapu Purari and Pydamma as they have no financial status to bear the educational expenses of Janaki Rao. The natural parents to Janaki Rao managed to fabricate records of adoption and registered them after 12 years and got false (ST) Konda Dora certificate from the Tahsildar, Komarada.

The record of enquiry on 18-12-2009 before the District Level Scrutiny Committee reveals the following :-

- 1 Sri Dudi Janaki Rao, S/o Dannana Suryanarayana though said to be adopted in 1969 to Dudi Sellayya, the adoption was registered on 17-7-1981 and got (ST) Konda Dora certificate from the Mandal Revenue Officer, Komarada vide Sr. No. 5064/86, dated 24-9-1986.
- 2 He never resided with his adopted parents.
- 3 He completed his studies with the help of his natural parents.
- 4 He married a Kapu caste girl which is said to be a love marriage,
- 5 He performed the marriage of his eldest daughter with a Kapu community person who is brother of his wife. (Brother-in-law).
- 6 He does not know the customs and traditions of ST's

During District Level Scrutiny Committee meetings when the individual was asked whether he is aware that as per the constitution of India any non tribal though adopted to tribal family will not be treated as tribal, he said that he does not know about it as he was adopted at the age of 5 years.

In Bandi Srinivasa Rao Vs Omania University in W P No. 11914 of 1985 dated 13-2-1986 it was mentioned by the learned Judge as follows, "The purpose of the constitution is to assimilate the terrain ST with the main stream of the Society Viz., plain people but the device of adoption, if it is motivated to have unjust claim of the advantages envisaged under the constitution, it would be the endeavour of the Court to discourage such attempt by adopting harmonious construction to subserve the purpose of the constitution.

The learned Judge further observed that he has no hesitation to conclude that though it may be permissible for a plain man/woman to go in adoption under customary law to a tribal, such an adoption shall be only for the purpose of personal law. But for the purpose of the constitution, such a person is outside the fold of the Schedule Tribe and he cannot be treated as a Schedule Tribe candidate.

Adoption cannot be a means for claiming Scheduled Tribe status and adoption of non tribal children by Scheduled Tribe parents is invalid for the purpose of constitution.

Sri Dudi Janaki Rao obtained Konda Dora (ST) caste certificate at the age of 22 years on the basis of Registered adoption deed dated 17-7-1981 with a malafied intention to gain the benefits earmarked for genuine Tribes though he is not a genuine Tribe.

After enquiry the District Level Scrutiny Committee, Vizianagaram in the reference 6th read above submitted its findings as follows.

- 1 In the case of Dasari Subbayamma and another Vs. Govt. of A.P. in the orders dated 9-4-1985 Hon'ble Division bench of High Court held;

"That a person belonging to a Tribe is a matter of birth; not of choice nor a matter of law"

- 2 in W P No. 11914/1985 Bandi Srinivasa Rao, Vs. OU & Govt., Orders dated 19-2-1986 Hon'ble High Court held; "Whether the petitioner is eligible for admission as a Schedule Tribe by virtue of his adoption by a Schedule Tribe woman.. in Kim. Sailaja' s case (WP No. 9750/85) just now disposed of. The reasons in this case are same Section 2(2) of the Hindu Marriage Act 1955 and Section 2(2) of the Hindu Succession Act 1956 were also made in applicable to the members of the Scheduled Tribes - adoption cannot be a means to acquire ST status.

Basing on the findings of the DLSC and after perusal of the records and material evidence a notice was issued to Sri Dudi Janaki Rao, S/o Sellayya vide reference 7th cited affording an opportunity of making representation if any under Section 5(1) of the AP (SC, ST, BC) issue of Caste, Nativity and Date of Birth Certificate Act 1993, providing copies of the finding of the DLSC. Sri Dudi Janaki Rao, attended on 6-4-2010 but he has not submitted any representation or documents to prove his claim that he belongs to Konda Dora (ST) .

In view of the above and under the powers conferred under rule 9(7) of the AP (SC, ST & BC) issued of Community, Nativity and Date of Birth Certificates rules 1997 read in the Section 5(1) of Act 16/93 the Konda Dora (ST) Certificate issued by the Mandal Revenue Officer, Komarada, vide SR No. 5064/86, dated 26-9-1986 to Sri Dudi Janaki Rao, S/o late Sellayya is hereby cancelled.

(An appeal lies before the Government within 30 days from the date of receipt of this order) .

G. RAMANARAYANA REDDY,
Collector & District Magistrate,
Vizianagaram.
[M] Rc. No. 812/2007

NOTIFICATION

In exercise of the powers conferred under Sub- rule 7 of Rule 9 of AP (SC, ST & BC) issue of Community, Nativity and Date of Birth Certificates rules 1997 Communicated vide G. O. Ms. No. 58, S.W. (J) Department, dated 12-5-1997 read with Section 5(1) of AP (SC / ST / BC) Regulation of issue of Community Certificate Act 16/93 the Konda Dora (ST) Certificate issued Sri Dudi Janaki Rao, S/o late Sellayya of Komarada by Mandal Revenue Officer, Komarada, vide SR No. 5064/86, dated 26-9-1986 Vizianagaram District is hereby cancelled as Sri Dudi Janaki Rao, S/o late Sellayya do not belong to Konda Dora (ST) Community.

G. RAMANARAYANA REDDY,
Collector & District Magistrate,
Vizianagaram.
[M] Rc. No. 812/2007